

Approved: June 21, 2023

Distributed: July 17, 2023

IPSWICH CONSERVATION COMMISSION

Meeting Minutes

June 7, 2023

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, June 7, 2023 at 7:00 p.m. via ZOOM. A roll call was taken at the beginning of the meeting and members present were Chair William Paulitz, Vice-Chair Jennifer Hughes, Commissioners Sissy ffolliot, Catherine Carney-Feldman, Raymond Putnam, James (Jim) Stone and Jack Stone. Also present were Agent Jenna Pirrotta and Recording Secretary Odile Breton.

DEFINITION INDEX:

ACEC – Area of Critical Environmental Concern

ANRAD - Abbreviated Notice of Resource Area Delineation (WPA Form 4A)

BOH – Board of Health

BVW - Bordering Vegetated Wetland

Bylaw – Ipswich Wetlands Protection Bylaw (Ch. 224)

COC – Certificate of Compliance (Request for COC = WPA Form 8A; COC = WPA Form 8B)

CR – Conservation Restriction

CZM – MA Office of Coastal Zone Management

DCR - Department of Conservation and Recreation

DEP – MA Department of Environmental Protection

DPW- Ipswich Department of Public Works

EC – Emergency Certificate

EO – Enforcement Order (WPA Form 9)

ICC – Ipswich Conservation Commission

LIAU – Land in Agricultural Use

LSCSF – Land Subject to Coastal Storm Flowage

LSP – Licensed Site Professional

NOI – Notice of Intent (WPA Form 3)

NBZ – No-Build Zone, per Ipswich Wetlands Protection Bylaw

NDZ – No-Disturbance Zone, per Ipswich Wetlands Protection Bylaw

O & M Plan – Operations and Maintenance Plan: An O&M plan is an indication that a facility is in continued compliance with applicable regulations and permit conditions

OOB – Order of Conditions (WPA Form 5)

ORAD – Order of Resource Area Delineation (WPA Form 4B)

RDA – Request for Determination of Applicability (WPA Form 1) (*below is a list of possible outcomes for RDAs; all issued on WPA Form 2*)

Negative #2 Determination (NDA) – This is an approval for work in in resource areas

Negative #3 Determination (NDA) – This is an approval for work in in buffer zones

Negative #5 Determination (NDA) – This is approval for work that meets the requirements of an exception under the WPA

Negative #6 Determination– This is an approval for work under the Ipswich Wetland Protection Bylaw

Positive Determination – This is a denial requiring an NOI to be filed should the applicant wish to pursue

RPA - Riverfront Protection Act

SWM – Storm Water Management

SPP – Small Projects Permit

WPA – Massachusetts Wetlands Protection Act (310 CMR 10.00 *et seq.*)

ZBA – Zoning Board of Appeals

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Citizen's Queries: None noted.

Matters Being Continued to FUTURE Sessions at the Applicant's Request:

<p>MATTER: 36-1531: 36 Linebrook Road. Town of Ipswich, Town Manager (Gallante Architect Studio). NOI to construct a new multi-story building with associated appurtenances. <i>Cont. from 5/17/2023</i></p>
<p>DISCUSSION: The matter is being continued without discussion at the applicant's request.</p>
<p>MOTION:</p> <p style="padding-left: 40px;">♦ A motion was made by Commissioner Hughes to continue to June 21, 2023. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p style="padding-left: 40px;">❖ None.</p>
<p>MATTER: 36 Linebrook Road. Town of Ipswich, Town Manager (Gallante Architect Studio). Stormwater Management Permit Application to construct a new multi-story building with associated appurtenances and stormwater management system. <i>Cont. from 5/17/2023</i></p>
<p>DISCUSSION: The matter is being continued without discussion at the applicant's request.</p>
<p>MOTION:</p> <p style="padding-left: 40px;">♦ A motion was made by Commissioner ffolliott to continue to June 21, 2023. The motion was seconded by Commissioner Jim Stone and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p style="padding-left: 40px;">❖ None.</p>
<p>MATTER: 36-1417: 173 Linebrook Road (Phase II – Roadway Only). Symes Associates (Williams & Sparages). COC. <i>Cont. from 5/17/2023</i></p>
<p>DISCUSSION: The matter is being continued without discussion at the applicant's request.</p>
<p>MOTION:</p> <p style="padding-left: 40px;">♦ A motion was made by Commissioner Carney-Feldman to continue to June 21, 2023. The motion was seconded by Commissioner Putnam and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p style="padding-left: 40px;">❖ None.</p>
<p>MATTER: 36-1415: 173 Linebrook Road (Phase II – Lot 21). Symes Associates (Williams & Sparages). COC. <i>Cont. from 5/17/2023</i></p>
<p>DISCUSSION: The matter is being continued without discussion at the applicant's request.</p>
<p>MOTION:</p> <p style="padding-left: 40px;">♦ A motion was made by Commissioner Carney-Feldman to continue to June 21, 2023. The motion was seconded by Commissioner Putnam and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p style="padding-left: 40px;">❖ None.</p>
<p>MATTER: 36-1416: 173 Linebrook Road (Phase II – Lot 20). Symes Associates (Williams & Sparages). COC. <i>Cont. from 5/17/2023</i></p>
<p>DISCUSSION: The matter is being continued without discussion at the applicant's request.</p>

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MOTION:

◆ A motion was made by Commissioner Carney-Feldman to continue to June 21, 2023. The motion was seconded by Commissioner Putnam and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ None.

MATTER: 36-1233: 28 Old England Road. Blessington. COC. *Cont. from 4/5/2023*

DISCUSSION: The matter is being continued without discussion at the applicant's request.

MOTION:

◆ A motion was made by Commissioner Carney-Feldman to continue to July 12, 2023. The motion was seconded by Commissioner ffolliott and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ None.

MATTER: 36-1529: Clark Pond. Association of Great Neck (DeRosa Env). NOI for implementation of proposed maintenance plan for Clark Pond and Clark Beach. *Cont. from 5/3/2023*

DISCUSSION: The matter is being continued without discussion at the applicant's request.

MOTION:

◆ A motion was made by Commissioner Putnam to continue to September 20, 2023. The motion was seconded by Commissioner Jim Stone and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ None.

COURTESY POSITIONS for TOWN PROJECTS

MATTER: 3 Bay View Road / 140 Little Neck Road. Potential violation for unpermitted tree removal. *Cont. from 5/17/2023*

DISCUSSION: Pirrotta checked with DPW staff about the tree cutting. Trees cut were hazardous to 3 Bay View Road. Pirrotta said replanting three trees is appropriate. Hughes suggested planting saltwater tolerant shrubs. Bayberry bush or dogwood was suggested (3 shrubs for each tree removed). Hughes suggested Pirrotta send DPW a letter with the suggested plantings and quantity to plant.

MOTION:

◆ A motion was made by Vice-Chair Hughes to authorize agent to send DPW a letter noting planting suggestions and quantity required. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ Pirrotta to send DPW a letter describing replanting for trees removed.

Small Project Permits

MATTER: 148 Town Farm Road. Palmariello. SPP. Test pits and shed replacements. *Cont. from 5/17/2023*

DISCUSSION: No one was present for the matter. Paulitz suggested tabling the matter in case the owner joined the meeting. The matter was untabled at 9:13 pm and no one was present for the matter. Paulitz suggested continuing the matter.

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MOTION:

◆ A motion was made by Commissioner Putnam to table the matter. The motion was seconded by Vice-Chair Hughes and passed unanimously.

◆ A motion was made by Commissioner Carney-Feldman to untable the matter. The motion was seconded by Commissioner Jim Stone and passed unanimously.

◆ A motion was made by Commissioner ffolliott to continue to June 21, 2023. The motion was seconded by Commissioner Jim Stone and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

MATTER: 17 Dow Brook Circle. Breen/Svedlow. SPP for landscaping and fence installation. *New*

DISCUSSION: Present were Catherine Breen and Gerald Svedlow (owners/applicants). The request is for landscaping and a fence installation. A landscape plan was presented. Carney-Feldman noted plants proposed are not native. Carney-Feldman suggested working with the Conservation Agent on native plantings and include the Latin and common name of the plants on the landscaping plan.

Hughes noted there is an open OOC for this site and the proposed work cannot be an SPP application. Hughes suggested the owners work with Symes Development to submit a minor modification application. The approved plans for the site needs to be reviewed. Requested modifications need to be marked up on approved plans. Hughes explained the NDZ and NBZ and a fence cannot be placed in either. Breen to re-submit under a minor modification application. Pirrotta noted the developer (Symes Development) needs to be onboard with the application as the developer holds the permits. Hughes suggested leaving the matter open until the applicant files a minor modification.

MOTION:

◆ A motion was made by Vice-Chair Hughes to continue to June 21, 2023. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: SPP application dated 5-15-23; site photos 5-15-23

Requests for Determination of Applicability:

MATTER: 13 Dow Brook Circle. Strickler. RDA for 600 square foot patio installation. *New*

DISCUSSION: Present was Ruth Berry (owner/applicant). Hughes noted this application is like 17 Dow Brook Circle and should be submitted as a minor modification since there is an open OOC. The ICC can approve decks and patios under a minor modification. Pirrotta explained the process with the developer. She suggested contacting Williams & Sparages, the engineering firm for the developer's project. Hughes explained the proposed changes should be documented on the approved plans. The approved plans document the resource areas.

MOTION:

◆ A motion was made by Commissioner Carney-Feldman to continue to June 21, 2023. The motion was seconded by Commissioner ffolliott and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

Documents: RDA application dated 5-17-23

MATTER: 6 Poplar Street. Hughes (Savoie). RDA for deck replacement and patio installation. *New*

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<p>DISCUSSION: Present were Kathleen Hughes (owner/applicant) and Ken Savoie (Savoie Nolan Architects). Savoie explained the project to replace the rear deck on a condominium unit. The new deck will be in the same location of the old deck. Savoie noted 250 sq. ft. of permeable pavers are proposed at the base of the deck. Photographs of the site were presented. No trees are proposed to be removed. Crushed stone or gravel will go underneath the deck. The project is in the 100 ft. River Front. No ICC or public comments.</p>
<p>MOTION: ◆ A motion was made by Commissioner ffolliott to issue an NDA (selecting negative 2, 3, and 6 boxes) with Special Conditions for pre and post construction site visit by Conservation Agent, erosion controls per the approved plan, and installation of pervious patio with no more than 250 sq. ft. in size. The motion was seconded by Vice-Chair Hughes and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None.</i> Documents: RDA application dated 5-24-23; site photos 5-1-23</p>

Minor Modifications and Formal Amendments:

<p>MATTER: 36-1341: 230 Topsfield Road. Foote Bros. (DeRosa). Extension request. <i>New</i></p>
<p>DISCUSSION: Present was Mike DeRosa (DeRosa Environmental). DeRosa said the request is for a 3-year extension. Time is needed to acquire funding and complete the mechanical structure design. Hughes noted that the Commission does not usually approve 3 year extensions but the project is beneficial to the river. No public comment noted.</p>
<p>MOTION: ◆ A motion was made by Commissioner ffolliott to approve a three-year extension on the permit. The motion was seconded by Commissioner Jim Stone and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None.</i></p>
<p>DOCUMENT LIST: Extension Request packet dated 5-5-23</p>

<p>MATTER: 36-1334: 64 Paradise Road. Mile River Sand and Gravel. Caruso (DeRosa). Extension request. <i>New</i></p>
<p>DISCUSSION: Present was Mike DeRosa (DeRosa Environmental). Pirrotta did a recent site visit. DeRosa remarked on existing site conditions. Hughes is in favor of ongoing maintenance. Pirrotta recommended a 3-year extension. No public comment noted.</p>
<p>MOTION: ◆ A motion was made by Commissioner Carney-Feldman to approve a three-year extension. The motion was seconded by Vice-Chair Hughes and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None.</i></p>
<p>DOCUMENT LIST: Extension Request packet dated 5-17-23</p>

Ongoing Notices of Intent and Formal Amendments:

<p>MATTER: 36-1533: 145 High Street. Nikolakopoulos (Graham). NOI for 4-unit multi-family development. <i>Cont. from 5/3/2023</i></p>
<p>DISCUSSION: Present was Larry Graham (H.L. Graham & Associates). Graham submitted a letter dated 5/31/2023 with additional information requested. Graham reviewed the information emphasizing LID techniques used. Graham noted the following:</p>

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- Reduction of impervious services by reducing the drive widths. The access from High Street is 27 ft. wide and the driveway gets reduced to 16 ft. wide.
- Land disturbance is limited because of setback requirements, NDZ, and NBZ. The project works on ¼ of the site. The stormwater management plan is to disburse the roof water over many areas. It disburses water to infiltration chambers from units and driveways. Four infiltration systems are proposed.
- A planting plan will be prepared for restoration of the area between the proposed fence and wetlands.
- A small rain can go behind unit 1 and 2 and it will be added to the final plan.

ffolliott noted that some of the plants proposed are cultivars and straight natives should be used. Graham will tell the landscape architect. No public comment noted.

MOTION:

- ◆ **A motion was made by Commissioner Carney-Feldman to continue to July 12, 2023. The motion was seconded by Vice-Chair Hughes and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

Documents: Supplemental letter prepared by HL Graham Assoc. dated 5-31-23

Requests for Certificates of Compliance:

MATTER: 36-1288: 20 Turkey Shore Road. Skelton (DeRosa). COC. *New*

DISCUSSION: Present was Mike DeRosa (DeRosa Environmental). DeRosa noted the work completed with minor deviations. A fence was installed, cobble edging was added, additional granite step was added, a wall was reshaped, a retaining wall was added, the walkway was removed and edging was added. DeRosa pointed out the areas with deviations on the site plan. Photographs of the completed work were presented.

MOTION:

- ◆ **A motion was made by Commissioner Jim Stone to issue a full and final COC. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

DOCUMENT LIST:

COC prepared by HL Graham Assoc. dated 5-24-23

MATTER: 36-1273: 6 Estes Street, EBSCO. (Meridian). COC. *New*

DISCUSSION: Present was David Kelley (Meridian Associates). Paulitz is recused from the matter and Hughes chaired the matter. Kelley noted the COC is for repaved parking lots. Kelley reports Pirrotta recently walked the site. The work was repairing the lots in kind. Pirrotta noted a waiver for as-built plan.

MOTION:

- ◆ **A motion was made by Commissioner ffolliott to grant the waiver request for as built plan. The motion was seconded by Commissioner Putnam and passed unanimously.**
- ◆ **A motion was made by Commissioner Carney-Feldman to issue a full and final COC. The motion was seconded by Commissioner Putnam and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None*

DOCUMENT LIST:

COC packet prepared by Meridian Assoc. dated 5-16-23; site photos 5-31-23

MATTER: 36-1235: 189 High Street. Tassar LLC. COC. *Cont. from 5/17/2023*

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DISCUSSION: Pirrotta noted the fencing was reconfigured and one chicken pen was removed. Pirrotta noted the fencing changes over time. Hughes suggested the owner file an SPP or RDA for changes done from the approved plan. The OOC expired and no further work should be done. Hughes suggested a 6-month continuation and Pirrotta to check in with the owner. Pirrotta suggested continuing to June 21, 2023 and she will check with the owner on plans for future work.

MOTION:

♦ **A motion was made by Vice-Chair Hughes to continue to June 21, 2023. The motion was seconded by Commissioner ffolliott and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

Documents: Email from owner 5-31-23

MATTER: 36-0937: 17 Greens Point Road. Baker. COC. New

DISCUSSION: Present was Jim Baker (owner). Plans were presented. Baker explained the original plan did not show the garage to the right of the house. He noted the bump out was a sunroom that was done before the 2005 kitchen addition and deck expansion. The deck was proposed to be 30' x 10' and was changed to 30' x 30'. Pirrotta noted the wetlands on the site were not flagged. Hughes said generally an RDA would be filed for after-the-fact work. Hughes noted work not approved was completed. The deck is larger and a walkway was added. The same wetlands line needs to be on the plan.

MOTION:

♦ **A motion was made by Commissioner Putnam to continue to June 21, 2023. The motion was seconded by Commissioner ffolliott and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

Documents: COC packet date 5-12-23; site photos 5-31-23

Enforcement Matters:

MATTER: 257 Topsfield Road. Potential violation for unpermitted clearing activities. *Cont. from 5/17/2023*

DISCUSSION: Pirrotta said the owner requested to continue to June 7, 2023. No additional information has been submitted. The clearing does appear to be in the jurisdictional area. Hughes suggested Pirrotta reach out to owners and request them to appear at the June 21, 2023 meeting.

MOTION:

♦ **A motion was made by Vice-Chair Hughes to continue to June 21, 2023. The motion was seconded by Commissioner Putnam and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None.*

MATTER: 357 Linebrook Road. Unpermitted vegetation removal and stone placement. *Cont. from 5/17/2023*

DISCUSSION: Present was Ryan Snee (owner). Pirrotta met with Snee and noted vegetation removed by the pond. Snee explained the clearing was to remove vines and dead trees. The yard is maintained as it was. A conservation mix was used and white pine trees were planted. Stone was placed by the pond for erosion control. Snee used information on GIS to determine the location of wetlands.

Hughes pointed out that wetlands are not on GIS. Wetlands must be delineated on the ground and stone cannot be used for erosion control in the wetlands. The owner must request approval for the work. Restoration is required for unapproved work completed. Paulitz recommended the owner work with a professional to have the wetlands delineated and to develop a restoration plan. Hughes suggested Pirrotta contact MassDEP for compliance support. Hughes said the stone used for erosion control needs to be removed.

MOTION:

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<p>◆ A motion was made by Commissioner Putnam to update the Enforcement Order for a restoration plan and wetland delineation for July 12, 2023 and owner to appear at June 21, 2023 ICC meeting to provide a status. The motion was seconded by Commissioner Jim Stone and passed unanimously.</p>
<p>◆ A motion was made by Commissioner Putnam to continue to June 21, 2023. The motion was seconded by Commissioner Jim Stone and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p>❖ <i>Update EO.</i></p>

<p>MATTER: 81 Old Right Road. Unpermitted tree cutting. <i>Continued from 10/5/2022</i></p>
<p>DISCUSSION: Pirrotta followed up with the owner to review the items planted. She noted one dogwood planted did not survive as the roots were compromised. She noted other plantings are doing well. Pirrotta recommended issuing a return to compliance letter.</p>
<p>MOTION:</p> <p>◆ A motion was made by Vice-Chair Hughes to issue a return to compliance letter. The motion was seconded by Commissioner Jim Stone and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p>❖ <i>None.</i></p>

<p>MATTER: 85 Old Right Road. Unpermitted tree cutting. <i>Continued from 10/5/2022</i></p>
<p>DISCUSSION: Pirrotta noted that the owner was to plant in Spring 2023. Pirrotta visited the site in May 2023 and noted recent plantings were done. ffolliott suggested more time to see how plantings grow.</p>
<p>MOTION:</p> <p>◆ A motion was made by Commissioner ffolliott to continue to October 4, 2023. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p>❖ <i>None.</i></p>

<p>MATTER: 3 Willowdale Circle. Unpermitted tree cutting. <i>Cont. from 11/2/2023</i></p>
<p>DISCUSSION: Pirrotta visited the site and said 8 shrubs were planted and only 1 survived. ffolliott noted that 15 plantings were required (3 different species, 5 of each). Pirrotta to reach out to owner to discuss replanting straight native species. Due to the passage of time, ffolliott suggested the owner appear before the ICC since the property has changed hands along with the change in conservation agents.</p>
<p>MOTION:</p> <p>◆ A motion was made by Commissioner ffolliott to continue to June 21, 2023. The motion was seconded by Vice-Chair Hughes and passed unanimously.</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p> <p>❖ <i>None.</i></p>

<p>MATTER: 89 Turnpike Road. Potential violation for stockpiling. <i>New</i></p>
<p>DISCUSSION: Pirrotta spoke with the owner who reported the piles were there since October 2022. Pirrotta recommends the stockpile be removed and the area restored. Pirrotta scheduled a site visit on June 9, 2023. Hughes suggested erosion controls be placed around the stockpile if it cannot be removed immediately.</p>
<p>MOTION:</p>

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<p>◆ A motion was made by Commissioner Carney-Feldman to continue to June 21, 2023. The motion was seconded by Vice-Chair Hughes and passed unanimously.</p>

<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p>
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<p>❖ <i>Site visit by Conservation Agent.</i></p>

Other Business:

<p>MATTER: Issuance of Expanded Environmental Notification Form: 1450 Acre Marsh Restoration Project</p>

<p>DISCUSSION: Hughes is recused from this matter. Pirrotta explained that a large-scale restoration project with a federal lead is being proposed. Rimmer Environmental can do a presentation to the ICC. The project seeks feedback from the ICC. Pirrotta suggested the presentation for July 12, 2023 and can schedule the presentation for 6:30 pm.</p>

<p>ACTION ITEMS / SPECIAL INSTRUCTIONS:</p>
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<p>❖ <i>Pirrotta to schedule a presentation for the project.</i></p>
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Approval of Minutes: May 17, 2023

Edits were added to clarify when Paulitz began chairing matters. Pirrotta noted a role call at the beginning of each meeting is best practice.

◆ **A motion was made by Commissioner Carney-Feldman to approve the minutes as drafted/amended. The motion was seconded by Vice-Chair Hughes and passed unanimously.**

Adjournment:

◆ **A motion was made by Commissioner Jack Stone to adjourn at 10:19 p.m. The motion was seconded by Vice-Chair Hughes and passed unanimously.**

Respectfully submitted,

Odile Breton
Recording Secretary

These minutes are the summary of a taped or video-recorded meeting and of secretarial notes. As such, the Ipswich Conservation Commission reserves the right to supplement these minutes with tapes and vice versa, to reflect the proceedings. The Ipswich Conservation Commission does not guarantee the quality of the tapes or video-recording, nor does it exclusively rely upon them.